

REMARKS

The rejection of Claims 289-300, 308-312 and 327-330 under 35 U.S.C. §101 is respectfully traversed. The claimed methods clearly transform underlying subject matter, i.e. the size and specifications of power generating equipment operated by the energy service provider and/or the transmission facilities for the electric power between the energy service provider and the customer. Accordingly, the claimed methods are believed to be unobjectionable under 35 U.S.C. §101. Favorable reconsideration is respectfully requested.

The rejection of Claim 290 under 35 U.S.C. §112 second paragraph is noted. The Examiners interpretation of the claim is correct. Applicants respectfully submit that Claim 289 involves a “proposed electric power transaction” and that amendment, should the Examiner desire, can be made in Claim 289.

The rejection of the claims under 35 U.S.C. §102(e) is respectfully traversed. Not one of the claims is anticipated by the Smith, et al. reference.

Specifically, with respect to the rejection of claims 289-300, 308-312, 319-321 and 327-330, the passage at columns 11-12, line 62-60 of the reference does not suggest the several steps of the claimed method. The description in columns 11 and 12 is so general and so without specificity as to fail in anticipating the claimed subject matter.

It is well established that in order to support a rejection under 35 U.S.C. §102 the Examiner must meet each of the claim limitations. Turning to the reference, Phases 1 and 2 of the described methods are general propositions for data gathering. The closest part of the reference may be Phase 3 which only describes load profiling and contract performance analysis with the gathering of additional data. How, applicants respectfully question, does this anticipate

the several steps of Claim 289, which, for example recites that the evaluation includes “... modeling a combination of the electric load of the customer with existing electric power supply obligations of an energy service provider ...” and specifically “... determining the effect on the energy service providers efficiency of energy usage of combining [that] electric load ...”?

Going further, the dependant claims add further specificity to claim 289 and thus are not properly rejected under §102(e) by virtue of the patentability of Claim 289 and the further recitations in claims 290-300, 308-312, 319-321 and 327-330. In this regard, applicants note that the Examiner is relying on columns 11-12, line 62-60 in nearly all of the rejections of the dependant claims and if those passages from the reference do not anticipate claim 289, then they can hardly be deemed to anticipate the dependant claims.

Turning to the rejection of claim 294, the Examiner relies on the disclosure of the reference at column 10, lines 26-40. Again, the disclosure in the reference is fatally generic and broad-brush. The following quote is barely relevant to the subject matter of claim 294.

A database of energy efficiency and operational information about the site adds significant value in the supply-side negotiating process by providing detailed customer load-trends and characteristics to potential energy suppliers, combined with a verification mechanism to match actual energy billing to agreed-upon rates.

Likewise, the rejection of claim 299 based on the disclosure in the reference of column 16, lines 56-64, is respectfully traversed. The generalized discussion in the reference by no means anticipates the subject matter of claim 299.

Applicants respectfully submit that the generalized language and statements of purpose in the Smith, et al. reference are not nearly adequate to anticipate the instant invention.

Favorable reconsideration is respectfully requested.

Respectfully submitted,
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